Sr. No.	Date	Orders
	*	IN THE HIGH COURT OF DELHI AT NEW DELHI
	+	CW 3048/2001
		SHAILESH KUMAR ..... Petitioner Through : Col. K. Digamber Singh
		versus
		UOI & ORS. ..... Respondent Through : Ms. Maneesha Dhir
		CORAM: **HON'BLE MR. JUSTICE SANJAY KISHAN KAUL**
		O R D E R
	%	11.04.2002
		The petitioner is the son of deceased Shri Kailash Narayan who was serving as an Senior Auditor in the AT Section (CDA Army). Shri Kailash Narayan expired on 11.9.1998 and the mother of the petitioner had already expired earlier in 1994. The petitioner is a graduate in Science and on 7.1.1999 requested for appointment on compassionate grounds in the OBC category. The request of the petitioner was rejected on 25.10.1999. The petitioner thereafter again submitted further application and sent reminders. Finally on 13.3.2001 he was informed by respondent No.3 with reference to the earlier letter dated 25.10.1999 that the request for compassionate ground had not been acceded to. In the counter affidavit filed by the

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		respondents, it is stated that terminal benefits of Rs.5,92,853/- have been paid to the petitioner on demise of his father and the take home pay of the deceased prior to his death was Rs.4160/- p.m It is also stated in the counter affidavit that the case of the petitioner was not recommended by the committee since take home pay of the father of the petitioner is stated to be Rs.4160/- per month and the estimated income on the basis of the terminal benefits amounted to Rs.4941/- per month. The recommendations were agreed to by the competent authority. It is further stated that the vacancy position on compassionate grounds as asked for during the relevant period of time was nil in view of the fact that such appointment should not exceed 5% of the vacancies in terms of OM dated 9.10.1998. It is also stated in the counter affidavit that the petitioner failed to disclose the factum of his marriage and off-spring in his application and also tried to bring pressure through MPs. The Supreme Court in catena of judgments including in the case of Directorate of Education (Secondary) & Another vs. Pushpendra Kumar (1998) 5 SCC 192 and Sanjay Kumar vs. State of Bihar & Ors (2000) 7 SCC 192, has held that the purpose of compassionate appointment is to tide over the immediate

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		difficulties arising from the death of the person who was working and the case for compassionate employment has to be considered in accordance with rules and regulations. It is a well settled position of law that there cannot be right to compassionate appointment since it is a digression from the normal mode of employment. The Division Bench judgment in Veer Mohd. vs. Municipal Corporation of Delhi (95) 2002 DLT 663, after considering various judgments of the Supreme Court has held that the concept of social justice in compassionate appointment cannot be permitted to override the constitutional mandate contained in Article 16(2) of the Constitution of India. The case of the petitioner has been considered and it was found that there can be no ground for immediate exigency of employment of the petitioner in view of the terminal benefits having been paid to him of Rs.5,92,853. The petitioner is a able bodied qualified person who is liable to compete with other persons who are seeking employment. I am of the considered view that no case is made out to interfere with the decision of the respondents. Dismissed. SANJAY KISHAN KAUL, J APRIL 11, 2002 mb